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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: Attorney Docket No.: 2873-US
Peter Robert Baum and William Christian Fanslow III

Serial No.: 09/778,187 Group Art Unit: 1644

Filed: February 06, 2001 Examiner: Roark, J. H.

For: MOLECULES DESIGNATED LDCAM

DECLARATION UNDER 37 C.F.R. §1.131

Commissioner of Patents
P. O. Box 1450
Alexandria VA, 22313-1450

COPY

Sir:

We, the undersigned, hereby declare that:

1. We are the same Peter Robert Baum and William Christian Fanslow III named as co-inventors on the above-identified application. Prior to December 03, 1997, a nucleic acid encoding human LDCAM was isolated, the sequence of said nucleic acid was determined, and the amino acid sequence encoded by said nucleic acid was deduced, in the United States of America by us, the co-inventors named in the subject application, as evidenced by the Exhibit enclosed herewith.

2. The nucleic acid and amino acid sequence data presented in the Exhibit were obtained and the works that generated those data were completed in this country prior to December 03, 1997. The amino acid sequence presented in the Exhibit (HuB7L1-CoR) is identical to SEQ ID NO: 2 of the instant application, which is the amino acid sequence of human LDCAM.

3. We therefore submit that this showing of facts is sufficient in character and weight as to establish that the invention of this application was reduced to practice prior to December 03, 1997, the earliest possible 102(e) date of the cited publication, U.S. Patent Application Publication US 2002/0198147 A1.

4. We further declare that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both.

Declaration under 37 C.F.R. § 1.131

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under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

5.22.03

Date

Peter Robert Baum

Peter Robert Baum

5-23-03

Date

William Christian Fanslow III

William Christian Fanslow III

ee222601 5/22/03

EXHIBIT

Serial No. 09/778,187

2873-US

8

8

HuB7L1-CoR Full Length

(Linear) (Six Base) MAP of: 4469-Wi26.Seq check: 1995 from: 1 to: 1535
 (hollingsworth.cnodna.4469)
 req 4469 HuB7L1 counterstructure Wi26 pool314-28#34 FINAL SEQUENCE FILE
 3mGel1648, #7046, #5080 / 3mGel1663 dpc7266,67 / 2mGel1671 dpc7305,6
 4469-wi26

B B
 ENKs B aX
 aomi c mh
 etaE g Ho
 '1131 l 12

// Sal-22778 → /
 GC GGG CCG GCG CCG GAC ATGG CGAG GTG TACT GCT GCG GAG CGG ATCC CAG TGT GCG GGG CGG CA
 1 -----+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+ 60
 CG CCG GCG CG GGG CTGT ACC GCT ACAT CAC GAC CGG CTG CCG TAG GGT CA CAC GCG CG GT
 a M A S V V L P S G S Q C A A A -

B
 s
 N B B P
 s BskNH AsBSK B1 ES D
 p aaaaa vrgmm a2 aa s
 B nHere aFlaa n8 rp a
 2 11112 11111 26 11 1
 // // /
 GCG GCG GCG GCG GCG GCG CTC CCG GCT CCG GCT CCG GCT CIG CTG TGT GCT TCT CCG CC
 61 -----+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+ 120
 CG CCG GCG GCG GCG GCG GAG GGG CCG GAG GCG GAG GCG AAG ACG ACG ACG AAG AG GGG CCG
 a A A A A A P P G L R L R L L L L L F S A -

N A
 ss 1
 ps w
 Bt N
 22 1
 GCG GCA CTG ATCCC ACAG GTG ATGG CAG AA TCT GTT TAC GAA AG ACG TGA CAG TGA TC
 121 -----+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+ 180
 CG CCG TG ACT AGGG GTG TCC ACT ACC CGT CT TAG ACAA ATG CT TCT GCA CTG TCA CTG A
 a A A L I P T G D G Q N L F T K D V T V I -
 Signal seq.
 GAGGGAGAGGTTGCGACCATCAGTTGCCAAGTCAATAAGAGTGACCGACTCTGTGATTCA
 181 -----+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+ 240
 CTCCCTCTCCAACGCTGGTAGTCACCGTTCAAGTCACTGCTGAGACACTAAGTC
 a E G E V A T I S C Q V N K S D D S V I Q -

E
 A C B
 l o s
 w s t p
 N 5 u M

a L T R E G D A L E L T C E A I G K P Q P -
 GTGATGGTAACCTGGGTGAGAGTCGATGATGAAATGCCTCAACACGCCGTACTGTCCTGGG
 841 -----+-----+-----+-----+-----+-----+-----+-----+-----+-----+ 900
 CACTACCATTGAACCCACTCTCAGCTACTACTTACGGAGTTGTGGGGCATGACAGACCC
 a V M V T W V R V D D E M P Q H A V L S G -
 B
 S
 P
 AB1 N H
 pa2 S i
 an8 P n
 '126 B d
 // 2 3
 CCCAACCTGTTCATCAATAACCTAAACAAAAACAGATAATGGTACATACCGCTGTGAAGCT
 901 -----+-----+-----+-----+-----+-----+-----+-----+-----+-----+ 960
 GGGTTGGACAAGTAGTTATGGATTTGTTTGTCTATTACCATGTATGGGGACACTTCGA-
 (-ggatatacactcagcataatgtata t7 Promoter)
 a P N L F I N N L N K T D N G T Y R C E A -
 41- 33713

a T I I T D S R A G E E G S I R A V D H A -
 B T
 S C
 a H
 H S
 1 2
 GTGATCGGTGGCGTGGTGGGGTGGTGGTGGCTGCTGCTGCTCATCATTCTG
 1141 -----+-----+-----+-----+-----+-----+-----+-----+ 1200
 CACTAGCCACCGCAGCACCGGCCACCACCAAGCGGTACGACACGAAAGAGTAGTAAGAC
 a V I G G V V A V V V F A M L C L L I I L -
 H S
 a P
 e H
 2 1
 GGGCGCTATTTGCCAGACATAAGGTACATACTTCACTCATGAAGCCAAAGGAGCCGAT
 1201 -----+-----+-----+-----+-----+-----+-----+-----+ 1260
 CCCCGATAAAACGGTCTGTATTCCATGTATGAAGTGAGTACTTCGGTTCTCGGCTA
 a G R Y F A R H K G T Y F T H E A K G A D -
 GACGCAGCAGACGCAGACACAGCTATAATCAATGCAGAAGGAGGACAGAACACTCCGAA
 1261 -----+-----+-----+-----+-----+-----+-----+-----+ 1320
 CTGGTCTCTGGTCTGTGGATATTAGTACGTCTCCCTGCTTGAGGCTT
 a D A A D A D T A I I N A E G G Q N N S E -
 S X
 c b
 a a
 1 1
 GAAAAGAAAAGAGTACTTCATCTAGATCAGCCTTTTGTCAATGAGGTGTCCAAGTGGC
 1321 -----+-----+-----+-----+-----+-----+-----+-----+ 1380
 CTTTCTTCTCATGAAGTAGATCTAGTCGGAAAACAAAGTTACTCCACAGGTTGACCG
 a E K K E Y F I *
 A
 P
 O
 I
 CCTATTTAGATGATAAGAGACAGTGATATTGAACTTGGAGAAATTGGTGTGTTTTT
 1381 -----+-----+-----+-----+-----+-----+-----+-----+ 1440
 GGATAAAATCTACTATTTCTCTGTCACTATAACCTTGAACGCTCTTAAGCACACAAAAAA
 TATGAATGGGTGGAAAGGTGTGAGACTGGGAAGGCTGGATTGGCTGTGTAAAAAAAA
 1441 -----+-----+-----+-----+-----+-----+-----+-----+ 1500
 ATACTTACCCACCTTCCACACTCTGACCCCTCCGAACCTAAACGACACATTTTTTT
 B
 ENXs
 aomi
 etaE

1131
 //
 AAAAAAAATGTTCTTGGAAAGAAAAGCGGCCGC
 1501 -----+-----+-----+----- 1535
 TTTTTTAAAGAAACCTTTCTTTTCGCGGGCG

Enzymes that do cut:

AccI	Afl3	AlwN1	Apol	Apal	ApalI	Aval	BalI
BamH1	BanI	Ban2	Bcg1	BglI	BsaA1	BsaB1	BsaH1
BsgI	BsiE1	BsmB1	Bsp1286	BspH1	BspM1	BsrF1	BstZ171
Clal	Dra2	Drd1	Dsal	Eael	Earl	Eco571	EcoN1
EcoRS	Hae2	HgiA1	Hinc2	Hind3	HpaI	KasI	NarI
NotI	NspB2	NspH1	PpuM1	PshA1	Pss1	PstI	Pvu2
SapI	Scal	Sfc1	SmaI	Sml1	Sst2	StuI	Tth32
XbaI	XcmI	Xho2	XmaI	Xma3			

Enzymes that do not cut:

Aat2	Acl1	Afl2	Age1	Ascl	Ase1	Asp718	Asu2
Avr2	Bbs1	BciV1	Bcl1	Bgl2	Bpu11021	Bpm1	Bsa1
BsiW1	BsmI	Bsp61	BssH2	BstE2	BstX1	Bsu361	Dra1
Dra3	Eam1105	Eco473	EcoR1	Fse1	Fsp1	Kpn1	Mlu1
MunI	Ncol	NdeI	NgoM1	NheI	NruI	NsiI	PacI
PflM1	PmeI	Pml1	PvuI	Rsr2	Sall	SfiI	SgrA1
SnaB1	SpeI	SphI	SrfI	Sse8387	SspI	SstI	Sty1
Swal	Tth31	XbaI	XmaI				

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